

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Art Unit 2624

Rhoads et al.

Confirmation No. 4999

Application No.: 10/823,997

Filed: April 13, 2004

For: PORTABLE DEVICES AND METHODS  
EMPLOYING DIGITAL  
WATERMARKSVIA ELECTRONIC FILING

Examiner: E. Rice

Date: June 16, 2008

**INFORMATION DISCLOSURE STATEMENT**

Applicants submit herewith information of which they are aware, and which they believe may be material to the examination of the application and in respect of which there may be a duty to disclose in accordance with 37 C.F.R. § 1.56. The information is listed on the attached Form PTO-1449. Copies of the foreign and non-patent documents are attached.

The following table provides information about terminal disclaimers in a particular set of patents held by the assignee relating to U.S. Patent No. 5,841,978.

Application No.	Status	TD filed re
08/508,083	now patent 5,841,978	<none>
09/464,307	now patent 6,286,036	5,841,978
09/342,689	now patent 6,311,214	5,841,978
09/130,624	now patent 6,324,573	5,841,978
09/408,902	now patent 6,408,331	5,841,978, 09/130,624 (now 6,324,573) and 09/464,307 (now 6,286,036)
09/895,748	now patent 6,542,927	5,841,978, 6,311,214, and 6,324,573
09/941,243	now patent 7,058,697	5,841,978, 6,324,573 and 6,286,036
11/265,544	NOA 4/08	7,058,697

Regarding the above, Applicant provides the following information about art applied by the Office. Independent claims in 7,058,697 were earlier rejected over EP 493,091 and 5,315,098. Independent claims in 6,542,927 were earlier rejected over EP 493,091, 5,613,004 and 5,848,413. Independent claims in 6,324,573 were earlier rejected over EP 493,091. Independent claims in 6,311,214 were earlier rejected over 5,848,413 and 5,841,978. Independent claims in 6,286,036 were earlier rejected over 5,613,004, 5,782,692 and 5,848,413. Independent claims in 5,841,978 were earlier rejected over 5,530,852 and 5,613,004. (The noted art was found in a review of Amendments and other responses submitted by the assignee to the Office, rather than a review of Office Actions.)

Additionally, 7,051,086 claims priority to 5,841,978. Independent claims in 7,051,086 were earlier rejected over EP 493,091 and 5,978,773.

Additional matters having terminal disclaimers that relate to the matters in table 1 and directly or indirectly to 5,841,978 are provided below.

Application No.	Status	TD filed re
09/314,648	now patent 6,681,028	6,311,214
09/563,664	now patent 6,505,160	5,841,978
09/679,262	now patent 6,965,873	6,324,573 and 6,286,036
09/545,174	now patent 6,775,392	5,841,978 (also 6,122,403)
09/560,976	now patent 6,553,129	5,841,978 (also 6,122,403)
10/118,653	now patent 6,917,724	6,311,214 (also 6,122,403)
10/118,847	now patent 6,694,043	6,311,214 and 6,542,927 (also 6,522,770 and application 10/118,653 <6,917,724>)

The following table provides information about terminal disclaimers in related to patents and applications of assignee related to wireless/cellular telephones. These terminal disclaimers were identified with reference to cases that claim priority to 08/637,531, which is assignee's priority application that included disclosure on wireless telephony embodiments cited in the chart supporting the priority claim in this application.

Application No.	Status	TD filed re
08/637,531	now patent 5,822,436	Application 08/438,159 (42762, 5,850,481);
09/172,324	now patent 6,064,737	<none>
09/339,314	now patent 6,278,781	6,064,737
09/479,304	pending	<none>
09/924,281	now patent 7,362,781	6,064,737 and application 09/339,314 (52994, 6,278,781)
10/177,650	abandoned	
11/670,841	pending	
11/875,551	pending	

Regarding the above, Applicants provide the following information about art applied by the Office. Claims in 6,278,781 were earlier rejected over Moskowitz et al. 5,745,569. Claims in 09/479,304 include rejections over Reeds 5,204,902, Hopper (3,406,344), Lee (5,687,191) and Jones (3,586,781). Claims in 7,362,781 were rejected over Lee (5,822,360), Johnson (5,872,531), Gilhousen (5,103,459), Jensen (5,764,763), and Cooperman (5,613,004), among others. Claims in 11/670,841 (2007-0189533) have been rejected over Konno (5,392,356), Cooperman (5,613,004), and Rhoads (5,850,481), among others. The Office is understood to have the file histories for the above matters. If copies for any particular Actions are desired, Applicants can supply them.

This information disclosure statement is being filed after the mailing date of a First Office Action on the merits and before the first mailing date of Final Office Action (37 C.F.R. § 1.113), or Notice of Allowance (37 C.F.R. § 1.311).

The submission of information on the attached Form PTO-1449 is not intended as an admission that any such information constitutes prior art against the claims of the application under examination. Applicants do not waive any right to take any appropriate action to antedate or otherwise remove any information from the attached Form PTO-1449.

Please charge the fee of **\$180.00** under 37 C.F.R. § 1.17(p) and any additional fees or credit any overpayment in connection with the filing of this Information Disclosure Statement to Deposit Account No. 50-1071.

Date: June 16, 2008

Respectfully submitted,

**CUSTOMER NUMBER 23735**

DIGIMARC CORPORATION

Phone: 503-469-4800  
FAX 503-469-4777

By 

Joel R. Meyer  
Registration No. 37,677